

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH M. ALLEN,

Plaintiff,

Case No. C17-1625-JCC-MAT

V.

**ORDER DIRECTING PLAINTIFF TO
SUPPLEMENT RECORD**

MARK MILLER,

Defendant.

14 This is a civil rights action brought under 42 U.S.C. § 1983. Currently pending before the
15 Court is defendant's motion for summary judgment. Plaintiff, in his materials filed in response to
16 defendant's summary judgment motion, references a declaration which he claims to have filed on
17 August 6, 2018. (See Dkt. 42 at 4, 5; Dkt. 43 at 1, 5.) No such declaration was ever received by
18 the Court. Had such a declaration been filed, it would have preceded the filing of defendants'
19 summary judgment motion and, thus, would not technically be considered part of the summary
20 judgment materials. However, plaintiff submitted no other evidence in opposition to defendant's
21 motion, and the Court is reluctant to proceed on what may be less than a complete record.
22 Accordingly, the Court hereby ORDERS as follows:

**ORDER DIRECTING PLAINTIFF
TO SUPPLEMENT RECORD - 1**

1 (1) Plaintiff shall submit to the Court, not later than ***Monday, November 26, 2018***, a
2 copy of the declaration referenced in his response to defendant's summary judgment motion (Dkt.
3 42) and in his response to defendant's declaration (Dkt. 43). No extensions of this deadline will
4 be granted, and no additional briefing or evidence will be accepted from plaintiff.

5 (2) Defendant's motion for summary judgment (Dkt. 38) is RE-NOTED on the Court's
6 calendar for consideration on ***November 30, 2018***. Assuming plaintiff submits the referenced
7 declaration, defendant may, if so chooses, file a supplemental reply brief in support of his summary
8 judgment motion not later than the designated noting date.

9 (3) The Clerk is further directed to send copies of this Order to plaintiff, to counsel for
10 defendant, and to the Honorable John C. Coughenour.

DATED this 5th day of November, 2018.

Mary Alice Theiler
Mary Alice Theiler
United States Magistrate Judge

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